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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

**THE LAW ON THE CONSTITUTIONAL COURT
OF THE AZERBAIJANI REPUBLIC**

Chapter I

GENERAL PROVISIONS

Article 1

Purpose of the Constitutional Court of the Azerbaijani Republic

The Constitutional Court of the Azerbaijani Republic (hereinafter referred to as the Constitutional Court) shall be the supreme body of constitutional justice on matters attributed to its jurisdiction by the Constitution of the Azerbaijani Republic.

Article 2

The Legal Basis for the Activity of the Constitutional Court

The legal basis of the activities of the Constitutional Court shall be the Constitution of the Azerbaijani Republic and the Present Law.

Article 3

The Basic Objectives and Tasks of the Constitutional Court

The basic objective of the Constitutional Court is to ensure the supremacy of the Constitution of the Azerbaijani Republic.

The fundamental tasks of the Constitutional Court shall be to decide the matters laid out in Article 130, paragraph 3, of the Constitution of the Azerbaijani Republic, to interpret the Constitution and laws of the Azerbaijani Republic on the basis of petitions made by those bodies listed in Article 130, paragraph 4, of the Constitution of the Azerbaijani Republic and to implement other powers envisaged in the Constitution of the Azerbaijani Republic.

Article 4

Protection of the Human Rights and Freedoms in the Constitutional Court

In its activity the Constitutional Court shall protect the human rights and freedoms of citizens. In case of violation of the individuals' rights and freedoms by operative normative legal documents the citizens may by means of appropriate courts apply to the Supreme Court of the Azerbaijani Republic with a request to refer the case to the Constitutional Court. The procedure of exercising this right is determined by the Law of the Azerbaijani Republic on the Courts and Judges as well as the Legislation of the Azerbaijani Republic on Criminal and Civil Procedures.

Article 5

Fundamental Principles of Activity of the Constitutional Court

Activities of the Constitutional Court shall be based on the fundamental principles of the supremacy of the Constitution of the Azerbaijani Republic, justice, independence, collective responsibility and publicity.

Article 6

Foundations of the Independence of the Constitutional Court

The Constitutional Court shall be an independent State body and shall not depend in its organizational, financial or any other forms of activities on any legislative, executive and other judicial bodies, local self-government bodies, political parties, public associations, trade unions, and their officials and as well as legal entities or individuals.

Chapter II

BASIS FOR ORGANIZATION AND ACTIVITIES OF THE CONSTITUTIONAL COURT

Article 7

Structure, Organization and Powers of the Constitutional Court

Structure, organization and powers of the Constitutional Court shall be governed by Articles 86, 88, 95, 104, 107, 109, 125, 130, 153 and 154 of the Constitution of the Azerbaijani Republic.

Article 8

Oath of a Judge of the Constitutional Court

On a day appointed a Judge of the Constitutional Court shall take the following Oath at the session of the National Assembly of the Azerbaijani Republic: "I do swear to execute properly and honestly the duties of Judge of the Constitutional Court of Azerbaijani Republic, to protect the Constitution of the Azerbaijani Republic and to make fair decisions on the matters examined on the basis of Law and Justice."

The powers of a Judge of the Constitutional Court shall commence from the moment this Oath is taken.

Article 9

Requirements to be Met by Candidates for the Post of Judge of the Constitutional Court

According to Article 126, paragraph 1 of the Constitution of the Azerbaijani Republic any citizen of the Azerbaijani Republic of at the age not less than 30, franchised, possessing higher juridical education and at least 5 years experience in juridical system may be appointed a Judge of the Constitutional Court

According to Article 126, paragraph 2 of the Constitution of the Azerbaijani Republic Judges of the Constitutional Court cannot hold any other elected or appointed posts, except pedagogical, scientific and other creative activities, as well as they cannot be involved into business, commercial or other paid activities, political activities or belong to any political party. Besides their official salary and proceeds from pedagogical, scientific or creative activities no other profits can be obtained by Judges of the Constitutional Court.

Article 10

Terms of Authorities of Judges of the Constitutional Court

Judges of the Constitutional Court shall be appointed for a period of 10 years

After expiration of the term of office, a Judge of the Constitutional Court may be re-appointed to the same post only once.

Article 11
Independence of Judges of the Constitutional Court

According to Article 127, paragraph 1 of the Constitution of the Azerbaijani Republic Judges of the Constitutional Court shall be independent while exercising their powers and shall be subordinate only to the Constitution of the Azerbaijani Republic and the Present Law. The Judges are irremovable during the term of their office.

Article 12
Immunity of Judges of the Constitutional Court

According to Article 128, paragraphs 1-3 of the Constitution of the Azerbaijani Republic Judges of the Constitutional Court are inviolable.

A Judge of the Constitutional Court may not be brought to criminal responsibility, detained or arrested, nor may measures of administrative penalty determined by a court be applied to them, nor may they be subjected to a search or personal examination. Immunity of the Judge spreads upon his/her residential and official premises, means of transportation and communication, postal and telegraph correspondence, private property and documents

Judge of the Constitutional Court detained on suspicion in commitment of criminal or administrative offence shall be released immediately as soon as his/her identity is determined. In this case, the body which has detained the Judge of the Constitutional Court shall be required to notify promptly the General Prosecutor of the Azerbaijani Republic. The General Prosecutor of Azerbaijani Republic shall verify the legality of the detention of the Judge of the Constitutional Court as a person suspected in commitment of criminal or administrative offence.

The Judge of the Constitutional Court accused of a criminal offence may be removed from the office in accordance with the procedure specified in the Article 128, paragraphs 4 and 5 of the Constitution of the Azerbaijani Republic

The Judge of the Constitutional Court removed from office shall receive only the salary stipulated for Judges of the Constitutional Court.

The Judge of the Constitutional Court removed from office may be brought to criminal responsibility only by virtue of the Decree of the General Prosecutor of the Azerbaijani Republic.

Powers of Judge of the Constitutional Court removed from office may be restored in case if a "not guilty" verdict is passed regarding him/her or when the criminal case is cancelled at the preliminary investigation by virtue of the lack of evidence, the absence of the corpus delicti in his/her actions as well as if his/her guilt in the alleged crime has not been proved)

No legal proceedings can be instituted against Judges of the Constitutional Court for their actions, votes, opinions expressed, as well as no testimonies or explanations can be claimed from them in this matter.

Article 13

Appointment of the Chairman and Deputy Chairman of the Constitutional Court

Following the appointment of Judges of the Constitutional Court by virtue of Article 95, paragraph 10, item 10, Article 109, item 9, Article 130, paragraph 2 of the Constitution of the Azerbaijani Republic by the National Assembly of the Azerbaijani Republic on the recommendation of the President of the Azerbaijani Republic the issue concerning appointment of the Chairman and Deputy Chairman shall be resolved according to procedure specified by in Article 109, item 32 of the Constitution of the Azerbaijani Republic

The Chairman and Deputy Chairman of the Constitutional Court may be removed from their offices at their own request only. In this case, they remain in office as Judges of the Constitutional Court.

Article 14

Rights of Judges of the Constitutional Court

Judges of the Constitutional Court shall be invested with the following rights:

- to participate in all sessions of the Constitutional Court;
- to participate in a vote when the Constitutional Court adopts decisions on matters related to its jurisdiction;
- during the consideration of matters by the Constitutional Court to ask questions from the parties involved in the case and the persons concerned;
- to request any document or other information on matters to be examined by the Constitutional Court from legislative, executive and other judicial bodies, local self-government bodies, political parties, social unions, trade unions, and their officials, legal persons and individuals, as well as to listen to the explanations of the officials on these matters;
- to express their special opinions in cases of disagreement with decisions adopted by the Constitutional Court;
- to exercise other rights specified by the Present Law.

Article 15

Responsibilities of Judges of the Constitutional Court

Judges of the Constitutional Court bear the following responsibilities:

- to be governed in their activities by the Constitution of the Azerbaijani Republic and to ensure its supremacy;
- to examine cases before the Constitutional Court objectively, in an unbiased and just manner;
- not to miss any session of the Constitutional Court without good reason;
- to participate in votes on matters examined by the Constitutional Court;
- to abstain from acts or statements discrediting high status of Judges of the Constitutional Court;
- to abstain from violation of the requirements envisaged in Article 9, paragraph 2 of the Present Law;
- to execute instructions of the Chairman of the Constitutional Court connected with preparation and examination of the matters related to the authorities of the Constitutional Court;
- to abstain from expression of opinions on the substance of matters examined by the Constitutional Court unless the adequate decision is adopted to the Court in question.

Article 16

Chairman of the Constitutional Court

The Chairman of the Constitutional Court shall:

- represent the Constitutional Court in its relations with the legislative, executive and other judicial bodies, political parties, trade unions, public associations, foreign governments and international organizations, the mass media and also any other juridical persons or individuals;
- arrange the work of the Constitutional Court;
- bring forth matters related to authorities of the Constitutional Court to sessions of the Constitutional Court;
- convene sessions of the Constitutional Court and preside over them;
- determine a range of matters to be decided by the Deputy Chairman of the Constitutional Court;
- distribute tasks in connection with the preparation for and examination of matters related to the competence of the Constitutional Court among Judges of the Constitutional Court;
- return requests and other applications not provided for in the Constitution of the

Azerbaijani Republic and the Present Law;

- make appropriate instructions concerning resources allocated from the State budget for activities of the Constitutional Court;
- direct the staff of the Constitutional Court;
- exercise other powers specified by in the Present Law.

The Chairman of the Constitutional Court shall be endowed with all rights and bear all the responsibilities of a Judge of the Constitutional Court.

Article 17
Deputy Chairman of the Constitutional Court

The Deputy Chairman of the Constitutional Court shall decide on all matters defined by the Chairman of the Constitutional Court, the Deputy shall carry out specific functions on delegation by the Chairman and shall take place of the Chairman of the Constitutional Court in case of absence of the latter one or inability to execute his/her responsibilities.

Article 18
Equality of Rights of Judges of the Constitutional Court

While solving the matters related to the competence of the Constitutional Court, the rights of all Judges of the Constitutional Court, including the Chairman and Deputy Chairman, shall be equal.

Article 19
Termination of the Powers of a Judge of the Constitutional Court Ahead of Time.

The powers of a Judge of the Constitutional Court shall be terminated ahead of time in the following cases:

- 1) in the case of death;
- 2) in case of the Judge's voluntary resignation by means of written application;
- 3) in case of the Judge's renouncing from the nationality of the Azerbaijani Republic, adopting the nationality of a different State or acquiring obligations to another State;
- 4) in case if the verdict of the Judge's guilt adopted by the Court comes into legal force or if the Court decision concerning compulsory medical treatment is passed;
- 5) in case of the Court's decision concerning his/her incapability or limited capability;
- 6) in case of the court decision concerning the Judge's death or status as missing person;
- 7) in case if the Judge's appointment is considered invalid as the result of the revealed lack

of conformity to the requirements set forth with regard to candidates for Judges of the Constitutional Court by the Article 126, Part 1 of the Constitution of the Azerbaijani Republic

- 8) in case of violation of restrictions specified by the Article 126, Part 2 of the Constitution of the Azerbaijani Republic;
- 9) in case of groundless non-participation in three session of the Constitutional Court in succession or unfounded absence at ten sessions within the period of one year;
- 10) in case of (the Judge's) refusal to vote on matters considered by the Constitutional Court;
- 11) in case of (the Judge's) failure to execute his/her responsibilities due to illness during the period of not less than 4 months confirmed by the adequate conclusion of ad hoc Medical Commission appointed by the Constitutional Court.

In cases provided for in items 1-6 of paragraph 1 of this Article the decision on the premature termination of the powers of a Judge of the Constitutional Court shall be made in direct accordance with Article 109, item 32 of the Constitution of the Azerbaijani Republic

In cases specified by the items 6-8 of paragraph 1 of Present Article proposals concerning termination of the Judge's powers shall be made by the Constitutional Court in conformity with the Article 109, item 32, of the Constitution of the Azerbaijani Republic

Chapter III

PRINCIPLES OF PROCEEDINGS AT THE CONSTITUTIONAL COURT

Article 20

Unbiasedness, Impartiality and Equality of the Parties

According to Article 127, paragraph 2 of the Constitution of the Azerbaijani Republic the Judges of the Constitutional Court in the process of constitutional proceedings consider the cases objectively, impartially, on the ground of facts and equality of parties as well as in accordance with the Constitution of the Azerbaijani Republic and the Present Law

Article 21

Independence of Court Proceedings

According to Article 127, Part 3, any direct or indirect restrictions, illegal pressure, treats or interference into proceedings held at the Constitutional Court committed by any individual or by virtue of any reasons are completely inadmissible.

Persons committing these acts shall bear legal responsibility in conformity with the Laws.

Article 22

Principle of Publicity

According to Article 127, paragraph 5 of the Constitution of the Azerbaijani Republic constitutional proceedings in the Constitutional Court shall be public

Only in the cases when the Constitutional Court assumes that public sessions can become a reason of disclosure of the state, professional or commercial secret or when it reveals the necessity to protect the private or the family life it is permitted to consider the cases at private meetings

Constitutional proceedings shall be oral and shorthand reports of the sessions of the Constitutional Court shall be taken.

Public sessions of the Constitutional Court may be attended by representatives of the mass media accredited by the Constitutional Court

Information concerning the Constitutional Court sitting should be published in the official state newspapers at least 5 days prior to the session. In urgent cases when it is impossible to observe this rule information concerning the time of the Constitutional Court's session shall be announced by television and radio.

Article 23

Adversary Principle (of Constitutional Proceedings)

According to Article 127, paragraph 7 of the Constitution of the Azerbaijani Republic the constitutional proceedings shall be conducted on the basis of adversary principle.

In the course of constitutional proceedings the Constitutional Court shall not be constrained by evidence and arguments from the parties and persons concerned and shall strive for a thorough, complete and impartial examination of matters considered.

Article 24

Language of the Constitutional Proceedings

According to Article 127, paragraph 10 of the Constitution of the Azerbaijani Republic constitutional proceedings shall be conducted in the official language of the Azerbaijani Republic.

Participant of cases considered by the Constitutional Court unable to speak the language of proceedings shall be provided access to translated materials of the case and possibilities to speak at the proceedings in their mother tongue.

Article 25

Collective Responsibility Principle

Sessions of the Constitutional Court shall be held in conformity with principle of collective responsibility

Article 26
Spontaneity of Constitutional Proceedings

While considering matters related to its competence the Constitutional Court shall examine all the documents, materials and evidence on the case directly, as well as listen to the parties, persons concerned, witnesses and experts and announce the documents examined during proceedings.

Chapter IV

SESSIONS OF THE CONSTITUTIONAL COURT

Article 27
Authority of Sessions of the Constitutional Court

Sessions of the Constitutional Court shall have authority provided participation of at least 6 Judges.

Article 28
General Rules to be Observed at the Session of the Constitutional Court

As the Judges of the Constitutional Court enter the hall of the court session, the clerk of the court session shall announce: "All rise for the Constitutional Court of the Azerbaijani Republic". Those present in the hall of the court session must stand until invited to sit by the Judge presiding over the court session.

The session of the Constitutional Court shall be conducted by the presiding Judge for the session. The presiding Judge opens the court session and presents information concerning matters to be considered by Constitutional Court. In case if it is impossible to complete consideration of case during one working day the presiding Judge shall declare a break in the session of Constitutional Court and appoint the date of its resumption. During working day the presiding Judge may declare several breaks in the session of Constitutional Court.

On completion of considerations of the matters listed on the agenda of the session of the Constitutional Court, the presiding Judge shall declare the session closed.

As the Judges of the Constitutional Court leave the hall of the session those present in the hall shall stand up.

Article 29
Withdrawal of Petitions or Inquiries sent to the Constitutional Court

Any body which had lodged a petition or inquiry to the Constitutional Court shall have the right to withdraw it before the session dedicated to a consideration of the said petition or inquiry is held.

Article 30

Postponement or Adjournment of a Session of the Constitutional Court

The postponement of a scheduled session of the Constitutional Court or adjournment of working session shall be possible under the following circumstances:

- 1) in case of absence of quorum at the Constitutional Court;
- 2) in case of non-participation of any of the parties, person concerned, witnesses, experts if this may negatively affect thorough, complete and impartial examination of the case.
- 3) in case if materials and documents required by the Constitutional Court were not submitted or were not presented in time.
- 4) in case of well-grounded petitions of the parties or persons concerned regarding postponement or adjournment of session is provided by the Constitutional Court;
- 5) in case of other obstacles or impediments to thorough, complete and impartial examination of cases by the Constitutional Court.

Article 31

Preparation for Sessions of the Constitutional Court

Upon presentation of requests to the Constitutional Court or while solving the matters related to the competence of Constitutional Court by the Constitution of the Azerbaijani Republic the Rapporteur on the matter in question shall be appointed by the Chairman of the Constitutional Court out of the Judges of Constitutional Court.

The Rapporteur Judge shall study all aspects of the inquiry and within the period of time envisaged by this law prepare a session of the Constitutional Court on the matter in question: the Rapporteur Judge shall collect the necessary documents and materials, submit inquiry to the parties and other documents to the persons concerned as well as ascertain their opinions on the given matter; summon witnesses, experts and other persons; undertake other necessary measures to ensure thorough, complete and impartial consideration of the matter; prepare a report on the matter in question.

All the measures undertaken by the Rapporteur Judge while preparing the session are carried out on behalf of the Constitutional Court.

Article 32

Drawing Up of the Constitutional Case

Once the preliminary stage for the session of the Constitutional Court is completed the constitutional case shall be drawn up. The following documents shall be included into constitutional case:

- 1) the petitions, inquiries, applications or any other documents serving as the basis for the

institution of the constitutional case;

- 2) materials enclosed to the petition, inquiries, applications or other document serving as the basis for the institution of the constitutional case;
- 3) documents enclosed to the constitutional case by the Rapporteur Judge;
- 4) opinion of experts involved in the constitutional case;
- 5) additional materials presented by the parties or persons involved;
- 6) other documents pertaining to the constitutional case;
- 7) the Rapporteur Judge's report.

Following the drawing up of the constitutional case, Judges of the Constitutional Court may get familiar with the case.

Article 33

Judge Presiding at the Session of the Constitutional Court

The Chairman of the Constitutional Court, or Deputy Chairman (in either Chairman's absence or by his/her instruction), or in case of absence of both the oldest Judge of the Constitutional Court shall preside over the sessions of the Constitutional Court. The Rapporteur Judge can not preside over the session of the Constitutional Court.

Functions of the Judge presiding over the session of the Constitutional Court shall be as follows :

- to conduct the session;
- to enable the parties and persons concerned to express their views openly;
- to create the conditions necessary for a thorough, complete and impartial examination of the case;
- to get testimonies of witnesses and experts;
- to enable the parties and persons concerned to ask questions from each other, as well as from witnesses and experts (the Presiding Judge shall prevent questions not related to the constitutional case and distracting attention from the issues discussed);
- to bring forward for discussion in the Constitutional Court pleas submitted at the session by the parties or persons concerned;
- to interrupt the parties or interested subjects, witnesses or experts if they do not speak to the point of the constitutional case in question;

- to keep order in the session hall;
- to move away persons disrupting the order in the session hall;
- to arrange the votes of the Judges of the Constitutional Court in the deliberation room;
- to announce decisions adopted by the session of the Constitutional Court.

Article 34

Authorities of a Judge of the Constitutional Court at the Session of the Constitutional Court

Judges of the Constitutional Court are invested the following authorities during the sessions of the Constitutional Court:

- to ask questions from the Judge presiding over the session of the Constitutional Court;
- to put questions to the Rapporteur Judge, parties, persons involved, witnesses and experts with the permission of the Judge presiding over the session of the Constitutional Court;
- to get familiar with the pleas and other materials presented at the session of the Constitutional Court ;
- to express their opinion on the procedure of conduct of session;
- to require the Judge presiding over the session of the Constitutional Court to keep order in the session hall.

In the consultation room Judges of the Constitutional Court shall express their opinions regarding decisions to be adopted by the Constitutional Court and vote for or against the decision in question.

Chapter V

CONSTITUTIONAL PROCEEDINGS

Article 35

Ways and Forms of Constitutional Judicial Proceedings

The constitutional proceedings shall be carried out in two following ways:

- 1) the Constitutional Court proceedings;
- 2) the Special Constitutional proceedings;

Constitutional Court proceedings on the cases considered by the Constitutional Court shall be held in the following forms:

- 1) proceedings on cases related to consideration of pleas concerning the matters specified in Article 130, paragraph 3, items 1-6 and 8 of the Constitution of the Azerbaijani Republic;
- 2) proceedings on cases related to petitions on cessation of activities of political parties and other public associations;
- 3) proceedings on cases related to petitions on distribution of powers in-between of legislative, executive and judicial authorities.

Special Constitutional proceedings on the cases considered by the Constitutional Court shall be held in the following forms:

- 1) proceedings on cases related to petitions concerning interpretation of the Constitution and Laws of the Azerbaijani Republic;
- 2) proceedings on cases related to petitions of the National Assembly of the Azerbaijani Republic held with the view to clarify information concerning complete inability of the President of the Azerbaijani Republic to execute his/her duties due to the state of health;
- 3) proceedings on cases related to consideration of resignation of the President of the Azerbaijani Republic;
- 4) proceedings on cases related to consideration of the issues bound with impeachment of the President of the Azerbaijani Republic;
- 5) proceedings on cases related to verifications and approval of the results of elections to the National Assembly of the Azerbaijani Republic;
- 6) proceedings on cases concerning the date of the first session of a newly re-elected the National Assembly of the Azerbaijani Republic;
- 7) proceedings on cases concerning opinion of the Constitutional Court on modifications to the Constitution of the Azerbaijani Republic as proposed by National Assembly of the Azerbaijani Republic or the President of the Azerbaijani Republic;

Article 36 **Parties in Constitutional Court Proceedings**

Petitioners and Respondents constitute the parties of the Constitutional Court proceedings.

According to the Article 130, part 3 of the Constitution of the Azerbaijani Republic the President of the Azerbaijani Republic, the National Assembly of the Azerbaijani Republic, the Cabinet of Ministers of the Azerbaijani Republic, the Supreme Court of the Azerbaijani Republic, the Public Prosecutor's Office of the Azerbaijani Republic and the Supreme Assembly

of the Autonomous Republic of Nakhichevan can be petitioners at the Constitutional Court proceedings.

In conformity with the Article 130, part 3, of the Constitution of the Azerbaijani Republic the following bodies may be respondents at the Constitutional Court proceedings:

- 1) a state body which has adopted a normative legal act if a petition is submitted as to non-conformity of this normative legal act with the Constitution and Laws of the Azerbaijani Republic, Decrees of the President of the Azerbaijani Republic, Resolutions of the Cabinet of Ministers of the Azerbaijani Republic;
- 2) the Supreme Court of the Azerbaijani Republic if a petition is submitted on non-conformity of its guidelines with the Constitution and laws of the Azerbaijani Republic;
- 3) a local self-government body which has adopted municipal act if a petition is submitted on non-conformity of this act with the Constitution and Laws of the Azerbaijani Republic, Decrees of the President of the Azerbaijani Republic, Resolutions of the Cabinet of Ministers of the Azerbaijani Republic (in the Autonomous Republic of Nakhichevan also the Constitution and Laws of the Autonomous Republic of Nakhichevan, decrees of the Cabinet of Ministers of the Autonomous Republic of Nakhichevan);
- 4) an official who has signed the interstate treaty on behalf of the Azerbaijani Republic which has not come into force if a petition is submitted as to non-conformity of this treaty with the Constitution of the Azerbaijani Republic;
- 5) an official who has signed intergovernmental treaty on behalf of the Azerbaijani Republic if a petition is submitted as to non conformity of this treaty with the Constitution and Laws of the Azerbaijani Republic;
- 6) political parties and other public associations, if a petition has been submitted on the cessation of their activities;
- 7) legislative, executive or judicial body accused by petitioner of infringement of the distribution of powers.

In the process of constitutional proceedings the petitioners and respondents (with the exception of respondents envisaged in the present Article, paragraph 2, items 4 and 5) are represented by their legal representatives

Article 37 **Interested Parties of Special Constitutional Proceedings**

Bodies which, pursuant to the Constitution of the Azerbaijani Republic, shall have the right to apply to the Constitutional Court and bodies and persons whose interests are affected by these petitions and their legal representatives constitute interested parties at special constitutional court proceedings.

In the process of special constitutional proceedings the interested parties may be represented by their legal representatives.

Article 38

Rights and Liabilities of the Parties and Interested Parties (Persons Concerned)

The parties and persons concerned shall have the right to become acquainted with the materials of the constitutional case, take extracts from them and make copies. During consideration of the case, the parties and persons concerned may declare objections, present evidence, participate in the surveys of evidence, put questions to each other, as well as to the witnesses and experts, submit pleas, answer questions put to them, object to pleas, evidence and statements from the other party and present the final statement.

The parties and persons concerned must respect the Constitutional Court and comply with the requirements of the special constitutional proceedings. The parties and persons concerned must appear in the Constitutional Court in time noted in summons, observe the order adopted in the Constitutional Court and comply with the orders of the Judge presiding over the Constitutional Court immediately.

Article 39

Witnesses

A person possessing any information regarding the constitutional case considered at the session of the Constitutional Court shall be called a witness. A person may be summoned to the session of the Constitutional Court on the suggestion of parties, persons concerned or following decision of the Constitutional Court with the view to give witness testimonies. Witnesses must present testimonies concerning the facts known to them which are to be ascertained on the constitutional case.

Witnesses must respect the Constitutional Court and observe requirements of Constitutional Court proceedings. Witnesses must appear promptly on summons from the Constitutional Court, respect procedure adopted by the Constitutional Court and execute the orders from the Judge presiding over the session of the Constitutional Court immediately.

Criminal proceedings specified by the Legislation of the Azerbaijani Republic shall be instituted against witnesses for intentionally false statements or refusal to give testimonies

Article 40

Experts

Persons possessing scientific or other specialised knowledge on the constitutional case considered at the session of the Constitutional Court may be invited by the Constitutional Court, the Rapporteur Judge, the parties or persons involved in their capacity as experts.

Experts must provide impartial and well-grounded answers to questions delivered them. In order to answer questions, experts may apply to the Constitutional Court with requests to be familiarised with all the materials of the constitutional case and any other necessary documents. In case if experts consider materials in their possession not sufficient to answer the questions

delivered, or when they are unable to answer them as they are not sufficiently knowledgeable, they should inform the Constitutional Court. In order to answer the questions delivered, experts may, with the permission of the Judge presiding over the Constitutional Court put questions to the parties, persons concerned and witnesses.

Experts must respect the Constitutional Court and observe the requirements of the special constitutional proceedings. Experts must appear promptly to the summons of the Constitutional Court, respect the procedure adopted by the Constitutional Court and execute orders of the Judge presiding over the session of the Constitutional Court immediately.

Article 41

Commencement of Consideration of Constitutional Case in the Constitutional Court

The consideration of a constitutional case in the Constitutional Court shall commence with a verification of presence of participants in Court.

The Judge presiding over the session of the Constitutional Court shall give the floor to the Secretary for the court session to provide information concerning presence in court of the parties, persons concerned, witnesses and experts, as well as regarding reasons for absence of those not participating

The Judge presiding over the session of the Constitutional Court shall announce denomination of the constitutional case, as well as composition of the Constitutional Court participating in the session, the Secretary of the court session, the parties, persons concerned and, when necessary, verify authorities of the parties and the persons concerned (interested parties).

Article 42

Interpretation of Rights and Liabilities of Persons Participating in Consideration of Constitutional Cases

The Judge presiding over the session of the Constitutional Court shall explain rights and obligations to each person participating in the consideration of the constitutional case.

Article 43

Consequences of the Non-Appearance of a Person Participating in the Consideration of a Constitutional Case at the Session of the Constitutional Court

In case of non-appearance of any person participating in the consideration of a constitutional case at a session of the Constitutional Court , the Constitutional Court shall hear the opinions of the parties and . persons concerned. on the possibility of examining the case in the absence of the person who has not appeared and shall make a decision on continuing the consideration of the case or postponing consideration to another date.

Article 44

Removal of Witnesses from the Hall of the Session of the Constitutional Court Prior to Hearing Them

Prior to hearing witnesses participating in the consideration of a constitutional case, they shall be removed from the hall of the session of the Constitutional Court.

Article 45
Statement of the Rapporteur Judge

Consideration of essence of constitutional case shall commence with the report of the Rapporteur Judge. The Rapporteur-Judge shall explain the essence of the matter considered, analyze the circumstances of the constitutional case, briefly give a summary of the contents of the documents in the constitutional case and the measures undertaken to prepare the matter for consideration.

The Rapporteur Judge shall not have the right to predetermine the resolution of the constitutional case. Judges of the Constitutional Court may put the questions to the Rapporteur Judge.

Article 46
Solution of Pleas (Petitions)

During consideration of the constitutional case the parties, persons concerned and experts shall have the right to submit pleas to the Constitutional Court.

Pleas submitted in a written form shall be read out by the Secretary to the court session and shall be enclosed to the constitutional case following instruction of the Judge presiding over the session of the Constitutional Court.

Pleas shall be accepted or declined by the decisions adopted at the same session of the Constitutional Court.

Article 47
Right of the Constitutional Court to Use Newly-Opened Evidence

While considering the constitutional case, the Constitutional Court may introduce a decision to summon and inquest new witnesses and experts, as well as to use additional documents and materials.

Article 48
Presentations by the Parties During Constitutional Court Proceedings

During Constitutional Court proceedings, following the presentation by the Rapporteur Judges, the Judge presiding over the session of the Constitutional Court shall give the floor to the parties. The petitioner shall speak first, then the respondent shall have the floor.

The parties may introduce several representatives and each of them shall have the right to speak at the session.

The petitioner shall explain the essence of the matter and shall present evidence in order to

support his/her arguments.

The respondent shall express his/her position with regard to the petition and shall present evidence in order to support this position.

Following statements of both of the parties, the Judge presiding over the session of the Constitutional Court shall provide the Judges by the possibility to put questions to the party speaking. Then the possibility to ask questions shall be guaranteed to the other party.

Article 49

Presentations by Persons Concerned (Interested Parties) in the Course of Special Constitutional Proceedings

In the course of special constitutional proceedings, after the presentation by the Rapporteur Judge, the Judge presiding over the session of the Constitutional Court shall give the floor to the persons concerned. The first to speak shall be the representatives of the state bodies invested by the Constitution of the Azerbaijani Republic with the right to apply to the Constitutional Court. Next the floor shall be given to the representatives of bodies or persons whose interests are affected by the petition.

Interested parties may be represented by several representatives. All representatives of the persons concerned shall have the right to speak.

Representatives of the state bodies invested by the Constitution of the Azerbaijani Republic with the right to apply to the Constitutional Court shall explain the reasons of their petitions and express their opinion with regard to any Resolution of the Constitutional Court.

Representatives of bodies and persons whose interests are affected by these petitions, or persons themselves if they participate in the course of special constitutional proceedings, shall express and substantiate their views with regard to the petitions in question.

After presentations of each of the persons concerned, the Judge presiding over the session of the Constitutional Court shall give the Judges the opportunity to put questions to the parties concerned who had made their presentations. Then the other persons concerned shall be given the same opportunity.

Article 50

Witness Testimonies

Witness testimonies shall commence with questions to witnesses of petitioners or the state bodies invested by the Constitution of the Azerbaijani Republic with the right to apply to the Constitutional Court. Then questions shall be put to the witnesses for respondents or, in case specified by the Constitution of the Azerbaijani Republic, the subjects whose interests are affected by the petition; and finally witnesses called on the initiative of the Constitutional Court shall be examined.

The Judge presiding over the session of the Constitutional Court shall invite each witness to tell the Constitutional Court circumstances of the case under consideration known to them. After the

presentation by the witness questions may be put to them. The witnesses shall be asked the first questions by the petitioner or the representatives of state bodies invested by the Constitution of the Azerbaijani Republic with the right to apply to the Constitutional Court, then the respondents or, in cases specified by the Constitution of the Azerbaijani Republic, the subject whose interests are affected by the petition.

During the examination of witnesses, the Judges of the Constitutional Court may at any time put questions to the witnesses.

Article 51
Announcement of Documents

Documents enclosed to the materials of the constitutional case, as well as documents submitted for the court session shall be announced at the session of the Constitutional Court. Subsequently the parties and persons concerned can present their explanations regarding announcement of the documents.

The documents submitted at sessions of the Constitutional Court shall be enclosed to the constitutional case on the basis of decision passed by the Constitutional Court.

Article 52
Expert Testimonies

Expert testimonies shall commence with the hearing of the experts of petitioners or the state bodies or the bodies empowered by the Constitution of the Azerbaijani Republic to apply to the Constitutional Court. Then the experts of respondents or, in cases specified by the Constitution of the Azerbaijani Republic, the subjects whose interests are affected by the petition shall be heard and finally the experts called on the initiative of the Constitutional Court shall be heard.

The Judge presiding over the session of the Constitutional Court shall invite the experts to express their opinion to the Constitutional Court on the case under consideration. As experts have expressed their opinions questions may be asked. First the experts shall be asked the questions by petitioners or the state bodies invested by the Constitution of the Azerbaijani Republic with the powers to apply to the Constitutional Court, then the respondents or, in cases specified by the Constitution of the Azerbaijani Republic, the subjects whose interests are affected by the petition shall put their questions.

During the hearing of the experts, the Judges of the Constitutional Court may ask them questions any time.

Article 53
Concluding Statements of the Parties and Concluding Remarks of the Persons Concerned

In the course of constitutional judicial proceedings, the parties shall have the right to deliver closing statements on the constitutional case under consideration, in which they shall analyze the researched material and evidence, give a legal evaluation of this evidence and materials, its importance for the case and for the decision to be taken by the Constitutional Court.

The Constitutional Court may grant the parties time to prepare their closing statements.

In the process of special constitutional proceedings, the interested subjects shall have the right to deliver final statements on the deciding of the constitutional case under consideration and circumstances which should be taken into consideration by the Constitutional Court while passing a decision.

Following the closing statements by the parties, the Constitutional Court shall retire to the deliberation room.

In case if in the concluding statements of the parties or concluding remarks of the persons concerned reveal the circumstances indicating that judicial examination of case was not carried out completely and thoroughly then the Constitutional Court may adopt a decision to continue judicial examination on constitutional case.

Article 54 **Minutes of Court Sessions**

The Secretary of the court session of the Constitutional Court shall keep records of the court session. The record of the court session shall include the following:

- 1) date of the session of the Constitutional Court;
- 2) place of the session of the Constitutional Court;
- 3) surname, forename and patronymic of the Judge presiding over the session of the Constitutional Court;
- 4) surnames, forenames and patronymics of the Judges of the Constitutional Court participating in the session of the Constitutional Court;
- 5) surname, forename and patronymic of the Secretary of the court session of the Constitutional Court;
- 6) agenda of the Constitutional Court;
- 7) information concerning the parties, persons concerned and their representatives participating in the consideration of the constitutional case;
- 8) information concerning the attendance of the parties, persons concerned, witnesses and experts participating in consideration of the constitutional case;
- 9) information concerning actions of the Constitutional Court in their sequence;
- 10) presentation by the Rapporteur Judge as well as presentations and pleas by the parties, persons concerned, questions and answers;
- 11) orders of the Judge presiding over the session of the Constitutional Court and decisions passed by the Constitutional Court;

- 12) presentations by witnesses and experts, questions and answers;
- 13) summarizing statements by the parties or final statements by the persons concerned.

Each page of the records of sessions of the Constitutional Court shall be signed by the Judge presiding over the session of the Constitutional Court and the Secretary of the court session and the records shall be enclosed to the materials of the constitutional case.

The parties or persons concerned shall have access to the records of the session of the Constitutional Court and may comment on the records.

The Constitutional Court should examine within a period of 10 days the comments on the records of session of the Constitutional Court and adopt a well-grounded resolution concerning enclosure of the comments to the records (minutes).

Chapter VI

SPECIFIC FEATURES OF CONSTITUTIONAL PROCEEDINGS ON VARIOUS TYPES OF CONSTITUTIONAL CASES

Article 55

Procedure of Requesting the Constitutional Court in Cases specified in Article 130, paragraph 3, items 1-6 and 8 of the Constitution of the Azerbaijani Republic

In cases specified by in Article 130, paragraph 3, items 1. -. 6 and 8, of the Constitution of the Azerbaijani Republic, requests the Constitutional Court shall be presented in written form.

Requests shall include the following:

- 1) denomination of the Constitutional Court;
- 2) denomination and address of requesting body;
- 3) the title and date of adoption (signing) of the document specified by the Article 130, paragraph 3, items 1-6 and 8, of the Constitution of the Azerbaijani Republic together with denomination of adopting body and source of document's publication;
- 4) the Articles of the Constitution of the Azerbaijani Republic confirming right to apply to the Constitutional Court and authorities of the Constitutional Court to examine request in question;
- 5) the grounds for requesting body's claims;
- 6) claims of requesting body;

- 7) list of documents and materials enclosed to the request;
- 8) list of persons participating in the session of the Constitutional Court from petitioner's side;
- 9) the signature of principal of the body submitting the request.

The following documents should be enclosed to the request:

- 1) a copy of the normative legal act specified in Article 130, paragraph 3, items 1-6 and 8 of the Constitution of the Azerbaijani Republic;
- 2) document certifying the authorities of requesting body's representative participating in the session of the Constitutional Court.

Article 56

Refusal of the Constitutional Court to Examine Requests specified by in Article 130, paragraph 3, items 1-6 and 8 of the Constitution of the Azerbaijani Republic

The Constitutional Court shall refuse to examine a request in cases specified by the Article 130, paragraph 3, items 1-6 and 8 of the Constitution of the Azerbaijani Republic on the following grounds:

- if the request does not comply with the jurisdiction of the Constitutional Court;
- if the request is submitted by a state body or an official is not authorized to submit such a request to the Constitutional Court,
- if the same request had been previously considered by the Constitutional Court and the adequate decision adopted by the Constitutional Court on this matter is currently in force;
- if the request is not compiled in accordance with the requirements of Article 55 of the Present law.

Article 57

Periods for Consideration of Requests in Cases Specified by the Article 130, paragraph 3, items 1-6 and 8 of the Constitution of the Azerbaijani Republic

The issue of requests submitted to the Constitutional Court in cases specified by the Article 130, paragraph 3, items 1-6 and 8 of the Constitution of the Azerbaijani Republic shall be discussed at the sessions of the Constitutional Court within a weekly period and the adequate decree on further consideration or refusal of the request shall be adopted.

Decree concerning further consideration of the request or its refusal shall be dispatched to requesting body or official within 7 days since the day of its adoption

Consideration of essence of the requests accepted by the Constitutional Court shall commence

no later than two months since the day of their acceptance.

Interstate and intergovernmental Agreements of the Azerbaijani Republic not being in legal force shall not be ratified unless the adequate requests concerning their compliance to the Constitution of the Azerbaijani Republic (in case with interstate agreements) and the Constitution and the Laws of Azerbaijan (in case with intergovernmental agreements) are discussed.

Article 58

Procedure for Submitting Requests concerning Abolition of Political Parties and Other Public Associations

In cases specified by Article 130, paragraph 3, item 7, of the Constitution of the Azerbaijani Republic, a written request shall be submitted.

Request shall include the following information:

- 1) denomination of the Constitutional Court;
- 2) denomination and address of the requesting body;
- 3) denomination and address of the political party or public association. respondent to the request;.
- 4) the Article of the Constitution of the Azerbaijani Republic authorizing to apply to the Constitutional Court and confirming the authorities of the Constitutional Court to examine request;
- 5) grounds for claims of requesting body to abolish the political party or public association;
- 6) demands of requesting body to abolish political party or public association;
- 7) list of documents and materials enclosed to the request;
- 8) list of persons participating in the session of the Constitutional Court from requesting body;
- 9) the signature of principal of the requesting body.

A document certifying the authorities of the representative of requesting body to participate in the session of the Constitutional Court should be enclosed.

Article 59

Refusal to Accept Requests concerning Abolition of Political Parties and Public Associations

The Constitutional Court shall refuse to requests concerning abolition political parties or public associations in the following cases:

- if the request concerns the abolition of political party or public association which has not completed registration procedure laid down by the Legislation of the Azerbaijani Republic;
- if the request has been submitted by a state body or an official not authorized to submit such requests to the Constitutional Court,
- if the request is not compiled in accordance with the requirements of Article 5. 8. of the Present law.

Article 60

Period for Consideration of Requests concerning Abolition of Political Parties or Public Association

The matter of request concerning abolition of political parties or public association shall be examined at a session of the Constitutional Court within three days period and a decree shall be adopted on the acceptance or refusal to accept it for consideration.

The Decree to accept or refuse to accept the request for consideration shall be delivered to the requesting body or official, to the political parties or public associations on the same day.

Consideration of the essence of accepted request by the Constitutional Court shall commence not later than 15 days since acceptance.

Article 61

Procedure for Submitting Petitions on the Settlement of Disputes on the Delimitation of Powers between the Legislative, Executive and Judicial Authorities

In cases specified by the Article 130, paragraph 3, item 9, of the Constitution of the Azerbaijani Republic, written requests shall be submitted to the Constitutional Court.

Request shall include:

- 1) denomination of the Constitutional Court;
- 2) denomination and address of requesting body;
- 3) denomination and address of the authority . respondent to the request;.
- 4) the Article of the Constitution of the Azerbaijani Republic giving a right to submit requests and petitions to the Constitutional Court and confirming authority of the Constitutional Court to examine the requests;
- 5) the grounds for the petition of the body submitting a petition on the violation of the separation of powers by the body which shall be the respondent to the petition;
- 6) demand made by the body submitting petition to the respondent body;

- 7) list of documents and materials enclosed to the petition;
- 8) list of persons participating in the session of the Constitutional Court on the side of the body submitting the petition;
- 9) the signature of director of the body submitting the petition.

A document certifying the authority of the representative of body submitting the petition to participate in the session of the Constitutional Court should be enclosed to the petition.

Article 62

Refusal to Consider Petitions concerning Dispute bound with Separation of Powers in-between the Legislative, Executive and Judicial Authorities

The Constitutional Court shall refuse to accept petitions on disputes concerning separation of powers in-between the legislative, executive and judicial authorities in the following cases:

- if the petition does not concern the separation of powers in-between the legislative, executive and judicial authorities;
- if the petition has been submitted by a state body or official not authorized to submit such a petition to the Constitutional Court;
- if the petition does not meet the requirements of Article 61 of the Present Law.

Article 63

Periods for Consideration of Petitions concerning Dispute bound with Separation of Powers in-between the Legislative, Executive and Judicial Authorities

Petitions concerning disputes bound with separation of powers in-between legislative, executive and judicial authorities shall be submitted for discussion at the sessions of the Constitutional Court within the period of 7 days and the adequate decision concerning their acceptance or refusal shall be adopted.

The decision to accept or refuse consideration of a petition shall be delivered on the day of its adoption to the body or official which submitted the petition.

The consideration of essence of the petition shall commence not later than twenty days after the date of its acceptance.

Article 64

Procedure for Submitting Petitions on the Interpretation of the Constitution of the Azerbaijani Republic and the Laws of the Azerbaijani Republic

In cases specified by the Article 130, paragraph 4, item 7, of the Constitution of the Azerbaijani Republic, petitions shall be submitted in written form.

The petition should include the following:

- 1) denomination of the Constitutional Court;
- 2) denomination and address of the body submitting the petition;
- 3) denomination and address of body which adopted the normative legal act to be interpreted;
- 4) the Article of the Constitution of the Azerbaijani Republic giving a right to submit petitions to the Constitutional Court and affirming the authorities of the Constitutional Court to consider the petition;
- 5) the title and date of adoption of the normative legal act to be interpreted;
- 6) the contents of request of the body submitting petition;
- 7) list of documents and materials enclosed to the request;
- 8) list of persons participating in the session of the Constitutional Court on the side of body submitting petition;
- 9) signature of principal of the body submitting petition.

The following documents should be enclosed to the petition:

- 1) a copy of legal act to be interpreted;
- 2) document certifying the authorities of the representatives of State body submitting petition to participate in the session of the Constitutional Court should be enclosed.

Article 65

Refusal to Consider Petitions concerning Interpretation of the Constitution of the Azerbaijani Republic and Laws of the Azerbaijani Republic

The Constitutional Court shall refuse to consider petitions concerning interpretation of the Constitution of the Azerbaijani Republic and Laws of the Azerbaijani Republic in the following cases:

- if the petition does not relate to the authorities of the Constitutional Court;
- if the petition is submitted by a state body or official unauthorized to submit such a petition to the Constitutional Court;
- if the petition does not meet requirements laid out in Article 6. 4. of the Present Law.

Article 66

Period for the Consideration of Petition concerning Interpretation of the Constitution of the Azerbaijani Republic and Laws of the Azerbaijani Republic

Petitions (requests) concerning interpretation of the Constitution of the Azerbaijani Republic or the Laws of the Azerbaijani Republic shall be submitted for discussion at the sessions of the Constitutional Court within the period of 7 days and decision on their acceptance or refusal shall be adopted.

The decision to accept or refuse to accept the petition for consideration shall be delivered to the body or official which submitted the petition not later than one week after the decision.

Consideration of the essence of the petition (request) shall commence not later than two months since the day of its adoption.

Article 67

Procedure of Consideration of Requests Submitted by the National Assembly of the Azerbaijani Republic with the view to Clarify Information concerning Complete Inability of the President of the Azerbaijani Republic to Execute His/Her Duties due to the State of Health

In cases specified by the Article 104, paragraph 3, of the Constitution of the Azerbaijani Republic, the National Assembly of the Azerbaijani Republic shall adopt an appropriate resolution on applying to the Constitutional Court:

The inquiry should include the following:

- 1) denomination of the Constitutional Court;
- 2) the date of the session of the National Assembly of the Azerbaijani Republic at which the inquiry from the National Assembly of the Azerbaijani Republic was adopted;
- 3) the Article of the Constitution of the Azerbaijani Republic authorizing to submit an inquiry to the Constitutional Court and confirming the authorities of the Constitutional Court to examine the inquiry;
- 4) the source of information concerning complete inability of the President of the Azerbaijani Republic to execute his/her duties;
- 5) a list of documents and materials enclosed to the inquiry;
- 6) a list of persons participating in the session of the Constitutional Court from the National Assembly of the Azerbaijani Republic;
- 7) the signature of the Chairman of the National Assembly of the Azerbaijani Republic.

Article 68

Refusal to Consider Requests Submitted by the National Assembly of the Azerbaijani Republic with the view to Clarify Information concerning Complete Inability of the

President of the Azerbaijani Republic to Execute His/Her Duties due to the State of Health

The Constitutional Court shall refuse to consider requests submitted by the National Assembly of the Azerbaijani Republic with the view to clarify information concerning complete inability of the President of the Azerbaijani Republic to execute his/her duties due to the state of health in the following cases:

- if the inquiry was adopted at a session of the National Assembly of the Azerbaijani Republic at which the quorum established by the Constitution of the Azerbaijani Republic was not present or if the inquiry did not get the required majority of votes;
- if the inquiry does not meet requirements of the Article 67 of the Present Law.

Article 69

Periods for the Consideration of Requests Submitted by the National Assembly of the Azerbaijani Republic with the view to Clarify Information concerning Complete Inability of the President of the Azerbaijani Republic to Execute His/Her Duties due to the State of Health

Requests submitted by the National Assembly of the Azerbaijani Republic with the view to clarify information concerning complete inability of the President of the Azerbaijani Republic to execute his/her duties due to the state of health shall be brought for discussion at the session of the Constitutional Court the next day after receipt of these requests and decision concerning acceptance or refusal to consider requests in question shall be adopted.

The decision to accept or refuse to consider requests shall be adopted by the majority of not less than 5 Judges. The decision on the acceptance or refusal to consider the request shall be delivered to the President of the Azerbaijani Republic and the National Assembly of the Azerbaijani Republic on the day of its adoption.

Consideration of the essence of the request shall commence not later than three days since the day of its acceptance.

A decision of the Constitutional Court on impeachment of the President of the Azerbaijani Republic in connection with complete inability to execute his/her duties due to the state of health shall be adopted by the majority of not less than 5 Judges.

In case if Constitutional Court does not affirm the fact of the complete inability of the President of the Azerbaijani Republic to execute his/her duties due to the state of health this matter shall be considered settled and written notice of this shall be delivered immediately to the National Assembly of the Azerbaijani Republic.

Article 70

Procedure for the Consideration of the Application on Retirement of the President of the Azerbaijani Republic

In cases specified by the Article 104, paragraph 2, of the Constitution of the Azerbaijani

Republic, the President of the Azerbaijani Republic shall submit a written application to the Constitutional Court.

The Constitutional Court of the Azerbaijani Republic shall not have the right to refuse consideration of application of the President of the Azerbaijani Republic on retirement.

The application of the President of the Azerbaijani Republic on retirement shall be considered in essence by the Constitutional Court not later than three days after it has been received.

In case if the Constitutional Court is confident in voluntary character of the application of the President of the Azerbaijani Republic it shall adopt a resolution accepting retirement of the President of the Azerbaijani Republic.

In case if the Constitutional Court is not convinced that the application on retirement of the President of the Azerbaijani Republic was given voluntarily, the resolution on the non-acceptance of retirement of the President of the Azerbaijani Republic shall be passed.

All these resolutions shall be adopted by the Constitutional Court by the a majority of not less than 5 Judges and shall be immediately delivered to the National Assembly of the Azerbaijani Republic.

Article 71

Procedure for the Consideration of Impeachment of the President of the Azerbaijani Republic

Pursuant to Article 107, paragraph I, of the Constitution of the Azerbaijani Republic, in case if the President commits the grave crime the Constitutional Court may bring an initiative to dismiss the President of the Azerbaijani Republic from office.

The proposal concerning impeachment of the President of the Azerbaijani Republic shall be submitted by not less than three Judges of the Constitutional Court. This proposal shall be submitted in written form to the Chairman of the Constitutional Court. Within the period of 3 days after proposal was made session of the Constitutional Court shall be called and the matter in question shall be considered. If the Constitutional Court finds this proposal groundless, majority of not fewer than 5 Judges shall be required to adopt the Resolution.

If the proposal is found well-grounded, the Constitutional Court, in order to receive a decision on whether the President of the Azerbaijani Republic has committed a grave crime, shall send the application to the Supreme Court of the Azerbaijani Republic. A decision on this matter shall be adopted by the majority of not less than 6 Judges. Within thirty days after receipt of the matter, the Supreme Court of the Azerbaijani Republic should consider it and provide a written opinion to the Constitutional Court.

If the Constitutional Court comes to conclusion that no corpus delicti of a grave crime was found in the actions of the President of the Azerbaijani Republic, the matter shall be considered to be settled.

Bearing in mind opinion of the Supreme Court of the Azerbaijani Republic, the Constitutional

Court by majority of not less than 7 Judges can adopt a resolution bringing an initiative on impeachment of the President of the Azerbaijani Republic in connection with the presence of corpus delicti of a grave crime in his/her actions. This Resolution shall be immediately delivered to the National Assembly of the Azerbaijani Republic.

If the National Assembly of the Azerbaijani Republic guided by the procedure specified by the Article 107, paragraph 2, of the Constitution of the Azerbaijani Republic, adopts a Resolution on impeachment of the President of the Azerbaijani Republic and this Resolution shall be immediately dispatched to the Constitutional Court. Having received the Resolution of the National Assembly of the Azerbaijani Republic, the Constitutional Court must verify within one week whether the requirements of the Constitution and relevant Laws of the Azerbaijani Republic were observed while adoption of this Resolution. The Resolution of the Constitutional Court supporting the Resolution of the National Assembly of the Azerbaijani Republic must be adopted by majority of not less than 7 Judges. The Resolution of the National Assembly of the Azerbaijani Republic concerning impeachment of the President of the Azerbaijani Republic shall be signed by the Chairman of the Constitutional Court in conformity with the Article 107 of the Constitution of the Azerbaijani Republic.

If the Constitutional Court does not adopt Resolution supporting the Resolution of the National Assembly of the Azerbaijani Republic, Resolution on impeachment of the President of the Azerbaijani Republic shall not enter into legal force.

Article 72

Procedure of Verification and Confirmation of the Results of the Elections to the National Assembly of the Azerbaijani Republic

Pursuant to Article 86 of the Constitution of the Azerbaijani Republic, the Constitutional Court shall verify and confirm the correctness of the results of the elections of members (deputies) to the National Assembly of the Azerbaijani Republic.

Not later than one month since the day of the announcement of the results of general elections to the National Assembly of the Azerbaijani Republic, a session of the Constitutional Court shall be called to verify the correctness of the elections.

Not later than one week since the day of the announcement of the results of the repeated elections to the National Assembly of the Azerbaijani Republic, a session of the Constitutional Court shall be called to verify the fairness of the elections.

Several Rapporteur Judges may be appointed to consider this matter.

Chairman and members of the Central Election Committee, together with persons issued documents certifying (them as) elected deputies, as well as their representatives may participate in the session of the Constitutional Court held with the view to identify correctness of elections to the National Assembly of the Azerbaijani Republic.

Following the results of the verifications, the Constitutional Court shall adopt a Resolution on complete approval, partial approval or non-approval of results of the elections of deputies to the National Assembly of the Azerbaijani Republic. The Resolution in question shall be passed by

majority of not less than 5 Judges.

Article 73

Procedure of Appointment of Date of the First Session of the Newly-Elected National Assembly of the Azerbaijani Republic

Pursuant to the Article 88, paragraph I, of the Constitution of the Azerbaijani Republic the Constitutional Court shall appoint the first session of the newly-elected National Assembly of the Azerbaijani Republic in case if authorities of the 83 deputies are not confirmed by the 1st day of February after elections are held.

In case if confirmation of election of the 83 deputies of the National Assembly of the Azerbaijani Republic is made by the Constitutional Court after the 1st day of February time of the first session of newly-elected National Assembly shall be appointed at the same session (of the Constitutional Court).

A decision on this shall be adopted by a majority of not less than 5 Judges of the Constitutional Court.

Article 74

Procedure of Passing Opinions of the Constitutional Court with regard to Proposals on Modifications of Text of the Constitution of the Azerbaijani Republic Set Forth by the National Assembly of the Azerbaijani Republic or the President of the Azerbaijani Republic

According to Article 153 of the Constitution of the Azerbaijani Republic in case of proposals made by the National Assembly of the Azerbaijani Republic or the President of the Azerbaijani Republic concerning modifications to the Constitution of the Azerbaijani Republic opinion of the Constitutional Court in this matter shall be required.

Text of modifications to the Constitution of the Azerbaijani Republic shall be brought for discussion at the sessions of the Constitutional Court within the period of 7 days since their introduction.

A well-grounded opinion concerning compliance of modifications proposed to the principles of the Constitution of the Azerbaijani Republic shall be adopted by the Constitutional Court.

In case if the referendum on modifications to the text of the Constitution of the Azerbaijani Republic is held the summary of the Constitutional Court's opinion shall be entered into voting-papers.

Chapter VII

**RESOLUTIONS AND DECISIONS OF THE
CONSTITUTIONAL COURT**

Article 75

Resolutions of the Constitutional Court

The Resolutions of the Constitutional Court shall be the written document adopted at the sessions of the Constitutional Court containing conclusions obtained as the result of consideration of essence of the constitutional case.

Resolutions of the Constitutional Court shall be adopted by a majority of not less than 5 Judges unless otherwise envisaged in the Constitution of the Azerbaijani Republic or the Present Law.

Resolutions of the Constitutional Court shall be passed on behalf of the Azerbaijani Republic.

A resolution of the Constitutional Court shall be final and cannot be abolished or modified by any authority or person.

Resolutions of the Constitutional Court shall be signed by the Judge presiding over the session of the Constitutional Court.

Article 76

Procedure for Adoption of Resolutions of the Constitutional Court

Resolutions of the Constitutional Court shall be passed in the consultation room. Upon completion of examination of the constitutional case by the Constitutional Court, the Judges move to the consultation room in order to pass the Resolution. Only those Judges participating in the consideration of the constitutional case in question may be in the consultation room. Presence of other persons in the consultation room shall not be permitted .

The meeting shall be presided by the Judge presiding over the session of the Constitutional Court. After an exchange of opinions by the Judges, an open vote shall be conducted. The Chairman of the Constitutional Court shall be the last to vote.

No information concerning circumstances which took place in the consultation room shall be disseminated by Judges of the Constitutional Court.

Written Resolution of the Constitutional Court shall be prepared by either the Rapporteur Judge or by another Judge on the authorization of the Chairman of the Constitutional Court.

Article 77

Dissenting Opinion of a Judge of the Constitutional Court

A Judge of the Constitutional Court who disagrees with the Resolution of the Constitutional Court may express the dissenting opinion in written form. The dissenting opinion of the Judge of the Constitutional Court shall be attached to the resolution of the Constitutional Court.

Article 78

Contents of a Resolution of the Constitutional Court

A Resolution of the Constitutional Court shall consist of three parts: introduction, explanation

and conclusion.

Introduction of the Resolution of the Constitutional Court shall include the following:

- denomination of the resolution;
- date and place of passing of the Resolution;
- composition of the Constitutional Court, the Secretary of the court session, the parties or persons concerned;

The explanation of the Resolution of the Constitutional Court shall include:

- actual circumstances of the constitutional case;
- information on the documents pertaining the constitutional case;
- the facts established in the process of consideration the constitutional case;
- information on the normative legal documents used in the consideration of the constitutional case.

Conclusion of the Resolution of the Constitutional Court shall include:

- the Articles of the Constitution of the Azerbaijani Republic or other laws of the Azerbaijani Republic by which the Constitutional Court was guided while passing the Resolution;
- remarks of the Constitutional Court which the conclusions of the Constitutional Court are based on;
- conclusions of the Constitutional Court on the constitutional case in question;
- procedure of promulgation of the Resolution and time when Resolution shall enter into force.

A resolution of the Constitutional Court must be grounded by evidence.

Article 79

Announcement of Resolutions of the Constitutional Court

Upon adoption of the Resolution, the Judges shall return to the room of the court session and the Judge presiding over the session shall announce the Resolution.

Article 80

Legal Force of Resolutions Adopted by the Constitutional Court

Pursuant to Article 130, paragraph 6 of the Constitution of the Azerbaijani Republic, decisions

of the Constitutional Court shall have binding force all over the territory of the Azerbaijani Republic.

Decisions of the Constitutional Court which have entered into legal force must be executed. Criminal proceedings shall be instituted in a way specified by the Legislation of the Azerbaijani Republic for non-execution of Resolutions of the Constitutional Court.

Article 81

Entry into Force of a Resolution of the Constitutional Court

Resolutions of the Constitutional Court shall enter into legal force during the following periods of time:

- 1) Resolutions adopted in connection with matters specified by in Article 130, paragraph 3, items 1-6 and 8 of the Constitution of the Azerbaijani Republic shall get into legal force since the time specified in the Resolution itself;
- 2) Resolutions concerning prohibition of political parties and other public associations, separation of powers between the legislative, executive and judicial authorities, as well as the interpretation of the Constitution and laws of the Azerbaijani Republic shall come into legal force since the day of their promulgation;
- 3) other Resolutions on matters which come under the jurisdiction of the Constitutional Court shall come into legal force since the day of their announcement.

Article 82

Loss of Legal Force by the Laws and Other Documents as well as Their Non-Entry into Legal Force Following Resolutions of the Constitutional Court of the Azerbaijani Republic

Pursuant to Article 130, paragraph 7, of the Constitution of the Azerbaijani Republic, laws and other legal documents or their specific provisions and intergovernmental treaties of the Azerbaijani Republic shall lose legal force after a period specified in the Resolution of the Constitutional Court. As far as international treaties of the Azerbaijani Republic are concerned, they shall not come into legal force.

Article 83

Inadmissibility of Official Interpretations of Resolutions of the Constitutional Court

No one may provide an official interpretation of the Resolutions of the Constitutional Court.

Article 84

Decisions of the Constitutional Court

The Constitutional Court shall pass decisions in order to accept matters for the proceedings, settle issues arising during sessions of the Constitutional Court, as well as in other cases specified by the Present Law.

Decisions of the Constitutional Court shall be adopted by a majority of not less than 5 Judges.

Decisions of the Constitutional Court adopted in the process of considering constitutional cases shall be in the Minutes of recorded sessions of the Constitutional Court while other decisions of the Constitutional Court shall be published.

Article 85

Promulgation of Resolutions and Decisions of the Constitutional Court

Resolutions of the Constitutional Court, as well as decisions to be promulgated shall be published in the official mass media (official newspaper) of the Azerbaijani Republic.

Resolutions and decisions of the Constitutional Court shorthand reports of public sessions of the Constitutional Court and other materials bound with the activities of the Constitutional Court shall be published in the "Vedomosty Konstitutsionnovo Suda Azerbajjanskoi Respublika"(Bulletins of the Constitutional Court of the Azerbaijani Republic).

Chapter VIII

ARRANGEMENTS AND SUPPLIES FOR THE ACTIVITIES OF THE CONSTITUTIONAL COURT

Article 86

The Internal Regulations of the Constitutional Court

With a view to arrange its activities, the Constitutional Court shall adopt the Internal Regulations.

Article 87

Symbols of the Constitutional Court

The State flag of the Azerbaijani Republic, the State coat of arms of the Azerbaijani Republic and the official emblem of the Constitutional Court shall constitute the symbols of the Constitutional Court.

On the occasion of inauguration oath of the newly-elected President of the Azerbaijani Republic and at sessions of the Constitutional Court, Judges of the Constitutional Court should wear special uniforms.

Image and explanations of the Constitutional Court and the special uniform of Judges of the Constitutional Court shall be approved by a resolution of the Constitutional Court.

Article 88

The Badge and Identity Documents of Judges of the Constitutional Court

Judges of the Constitutional Court shall be issued the badges and identity documents.

Description of the identity documents shall be approved by the Constitutional Court

Article 89

The Seal of the Constitutional Court

The Constitutional Court shall possess the seal depicting the State coat of arms of the Azerbaijani Republic and denomination of the Constitutional Court.

Description (Image) of the seal of the Constitutional Court shall be adopted by a resolution of the Constitutional Court.

Article 90

Location of the Constitutional Court

The Constitutional Court is located in Baku city.

Sessions of the Constitutional Court are held at the premises (building) of the Constitutional Court. In case if by virtue of any reason sessions of the Constitutional Court cannot be held in the premises (building) of the Constitutional Court following instructions of the Chairman of the Constitutional Court sessions may be held at another place.

Routine order at the premises (building) of the Constitutional Court shall be determined by the Internal Regulations of the Constitutional Court.

Article 91

Financial Support for the Activities of the Constitutional Court

Activities of the Constitutional Court shall be financed from the State budget of the Azerbaijani Republic. The resources allocated for the annual activities of the Constitutional Court may not be reduced as compared to those allocated for the previous financial year.

Article 92

The Official Salary and Allowances for the Judges of the Constitutional Court

Chairman of the Constitutional Court shall receive monthly salary equal to the office salary of Chair of the National Assembly of the Azerbaijani Republic.

Deputy Chair of the Constitutional Court shall receive monthly salary equal to 90% of the official salary of Chairman of the Constitutional Court.

Judges of the Constitutional Court shall receive monthly salary equal to 80% of the official salary of Chair of the Constitutional Court.

With the view of compensation of expenses connected with execution of their duties Judges of the Constitutional Court shall receive monthly allowances equal to the one of members of the National Assembly of the Azerbaijani Republic.

Article 93

Vacation of Judges of the Constitutional Court

Judge of the Constitutional Court shall be annually granted a vacation for a period of 40 calendar days.

Vacations for Judges of the Constitutional Court shall be granted by the Chairman of the Constitutional Court. Vacation for the Chair of the Constitutional Court shall be given according to procedure specified by in Article 109, item 32 of the Constitution of the Azerbaijani Republic.

Simultaneous vacation of a Judge of the Constitutional Court together with another Judge of the Constitutional Court is prohibited.

Article 94

Other Guarantees for Judges of the Constitutional Court

Judge of the Constitutional Court shall be free from the military call-up and musters.

Health and life of Judge of the Constitutional Court shall be insured for account of the state budget on sum equal to his/her 5 years office salary.

Judge of the Constitutional Court who has not dwelling in Baku and Sumgait as well as within Absheron district shall be given an office flat.

The place of fixed abode of a Judge of the Constitutional Court shall be provided with telephone communication.

Upon expiration of the terms of authorities a former Judge of the Constitutional Court at the retirement age shall receive life pension equal to 80% of the official salary of the Judge of the Constitutional Court.

Article 95

The Staff of the Constitutional Court

The staff of the Constitutional Court provides legal, organisational, financial support and logistics for activities of the Constitutional Court.

The staff of the Constitutional Court shall act in conformity with the regulations on the staff of the Constitutional Court, approved by the Chairman of the Constitutional Court.

With a view to ensuring its work the Constitutional Court may create a library, printing-office and academic research centre.

The structure, list of staff members of the Constitutional Court, as well as estimate of running costs and salaries of employees shall be determined by the Chairman of the Constitutional Court.

The Chairman of the Constitutional Court provides leadership for activities of the staff of the Constitutional Court.

Article 96
Obligations of the Staff of the Constitutional Court

Obligations of the staff of the Constitutional Court are as follows:

- to guarantee the work of the Constitutional Court and its Judges;
- to prepare the necessary inquiries and other information necessary for the work of the Constitutional Court;
- to provide the Constitutional Court with Secretaries for the court sessions;
- to arrange shorthand reports for the sessions of the Constitutional Court;
- to conduct the clerical work for the Constitutional Court;
- to ensure the registration and keeping of documents of the Constitutional Court;
- to provide logistics and financial support for the activities of the Constitutional Court and its Judges;
- to execute various instructions of the Chairman, Deputy Chairman and the Judges of the Constitutional Court bound with activities of the Constitutional Court;
- to execute other duties connected with the activities of the Constitutional Court.

Article 97
Rights and Liabilities of the Staff of the Constitutional Court

Employees of the staff of the Constitutional Court shall be hired and dismissed by the Chairman of the Constitutional Court.

The rights, obligations and responsibilities of employees of staff of the Constitutional Court shall be regulated by the labour legislation of the Azerbaijani Republic and the regulations on the staff of the Constitutional Court.

Article 98
Entry into Force of this Law

The Present Law shall enter into force on the day of its promulgation.

Activity of the first set up Constitutional Court shall commence on a day of designation and swearing in of a minimal number of 6 Judges.